

REMARKS / ARGUMENTS

This communication is filed in response to the Office Action mailed July 7, 2006. Applicants, having fully considered the issues raised therein, request reconsideration of the application and claims. Applicants respectfully submit that, in view of the above amendments and the following remarks, the application is in condition for allowance. Withdrawal of the rejections and issuance of a Notice of Allowance is respectfully requested.

Applicants maintain their traversal of the Restriction Requirement mailed May 26, 2006. In view of the Examiner's maintenance of the Restriction Requirement, Applicants request cancellation of Claims 32-57 without prejudice or disclaimer.

Applicants submit the above amendments do not introduce new matter, as support for the amendments may be found in the application as originally filed. Specifically, support for the amendment to Claim 1 may be found in original Claims 3 and 6. Additional Claim amendments were made to clarify antecedent basis.

The Examiner rejected Claims 1-9, 17, 20, 21, and 24-26 under 35 U.S.C. § 102(e) as being anticipated by Husted. Applicants respectfully traverse the rejection.

According to the Examiner, "Husted discloses molding a mixture of isocyanate resin, release agent (wax), and wood fibers by prepressing and pressing." Although Husted appears to teach the use of wax as a release agent, the reference does not teach the addition of wax and a release agent as required in the present invention.

The present application teaches (page 6, lines 11-24) the inclusion of wax to impart additional short term water-repellency to the composite. According to the present specification, the wax should be stable to the temperatures used for pressing the wood/resin mixture into a thin layer, increase the water repellency of the wood, and not adversely affect the aesthetics or subsequent processing of the wood composite. The wax may be a natural wax or a synthetic wax, generally having a melting point in the range of about 120 °F to about 180 °F.

The present specification further teaches exposing the lignocellulosic composite mixture to a release agent (page 7, lines 1-23). The specification teaches that in one embodiment the release agent comprises an aqueous emulsion of surfactants and polymers.

Accordingly, the present application teaches that the release agent and wax are distinct from one another.

To be anticipatory, a reference must teach each element of the claimed invention. Husted does not teach the addition of at least one wax and at least one release agent. Husted cannot, therefore, be said to be anticipatory of the present invention. Withdrawal of the rejection is respectfully requested.

Claims 1-31 stand as rejected under 35 U.S.C. § 103(a) as being unpatentable over Husted in view of EP 0 909 295 and Sun (5,096,945). Applicants respectfully traverse the rejection.

According to the Examiner, it would have been obvious to one of ordinary skill in the art to use an external release agent instead of the internal release agent of Husted because EP 0 909 295 indicates that they are interchangeable. Additionally, the Examiner states that the specific pressing temperatures, pressures, and times of the claims would have been obvious to one of ordinary skill in the art because Sun indicates that these are variable that are determinable by one in the art.

As stated above, Husted teaches a release agent that is a wax. Stated differently, Husted fails to teach a composition including both a release agent and a wax. Neither EP 0 909 295 nor Sun includes any teaching that would overcome the deficiencies of Husted.

Applicants respectfully assert that even if the proposed combination were made, the resultant composites would be distinct from the presently claimed composites. Specifically, the proposed combination would not include a distinct wax and release agent. Moreover, there is no teaching or suggestion in any of the cited references that would lead one having ordinary skill in the art to make the proposed combination and then modify that resulting combination by including a release agent and a wax. Absent such motivation, the present claims are not obvious in view of the cited references. Withdrawal of the rejections is, therefore, respectfully requested.

Request for reconsideration:

Applicants submit that in view of the above amendments and remarks, the application is in condition for allowance. Withdrawal of the rejections and issuance of a Notice of Allowance is respectfully requested. If one or all of the claims are deemed to not be allowable, the Examiner is invited to call the undersigned attorney at the number given below for resolution of any remaining issues.

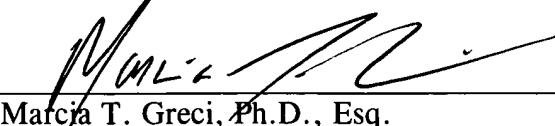
It is believed that no additional fees are due in conjunction with the filing of this response. If, however, it is deemed that additional fees are due, authorization is hereby given to deduct any such fees from Deposit Account No. 50-2548.

Respectfully requested,

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October 4, 2006

Date


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